

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

J.W., by and through her parent and legal guardian, Latasha Tolbert, and individually M.D., by and through her grandparent and guardian, Vanessa Boyd, and individually, A.I., by and through her parents and guardians, Catrice Ingram and Miguel Jones, and individually,

Civil No. 12-1369 (DWF/JSM)

Plaintiffs,

v.

ORDER FOR DISMISSAL

Saint Paul Public Schools Independent School District No. 625, Saint Paul Public Schools Board of Education, Jayne Ropella, individually, and in her representative capacity as Principal, and Timothy M. Olmsted, individually and in his representative capacity as a teacher,

Defendants.

This matter is before the Court on the parties' stipulation for dismissal (Doc. No. [38]) of certain claims in Plaintiffs' Amended Complaint. Based on that stipulation, and the files, records, and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiffs' claims under the Minnesota Human Rights Act (Minn. Stat. ch. 363A), Count One of Plaintiffs' Amended Complaint, are **DISMISSED WITH PREJUDICE** as to Defendant Timothy M. Olmsted with each party to bear their own costs and attorney fees on this claim;

2. Plaintiffs' state law punitive damage claims are **DISMISSED WITHOUT PREJUDICE** as to all Defendants, consistent with Minn. Stat. § 549.191;
3. Plaintiffs' punitive damage claims under Section 1983 against Saint Paul Public Schools Independent School District No. 625 and Saint Paul Public Schools Board of Education are **DISMISSED WITH PREJUDICE**; and
4. Plaintiffs' official capacity claims against Jayne Ropella are **DISMISSED WITH PREJUDICE**.

Dated: October 31, 2012

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge